

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**DESOTO COUNTY, MISSISSIPPI BRANCH OF
THE NAACP, and THOMAS PLUNKETT,
on behalf of themselves and all others similarly situated**

PLAINTIFFS

VS.

CASE NO.: 2:11-CV-40-SA-DAS

**DESOTO COUNTY, MISSISSIPPI BOARD OF
SUPERVISORS; DESOTO COUNTY, MISSISSIPPI
DEMOCRATIC PARTY EXECUTIVE COMMITTEE;
DESOTO COUNTY, MISSISSIPPI REPUBLICAN
PARTY EXECUTIVE COMMITTEE; DESOTO
COUNTY, MISSISSIPPI BOARD OF ELECTION
COMMISSIONERS; and DALE THOMPSON, in his
official capacity as Circuit Clerk**

DEFENDANTS

and

**JIM HOOD, ATTORNEY GENERAL FOR THE
STATE OF MISSISSIPPI, EX REL. THE STATE OF
MISSISSIPPI**

INTERVENOR

ORDER

BEFORE THE COURT is the unopposed Motion to Intervene (#4) on behalf of the Attorney General for the State of Mississippi, *ex rel.* the State of Mississippi (“Movants”). The Movants request to intervene as of right under Federal Rule of Civil Procedure Procedure 24(a), pursuant to 5.1, 28 U.S.C. §2403(b), and Miss. Code Ann. § 7-5-1.

Federal Rule of Civil Procedure 24(a) provides that, “upon timely application,” a court shall permit intervention to anyone who:

(1) is given an unconditional right to intervene by a federal statute.

According to 28 U.S.C. § 2403(b) and Federal Rules of Civil Procedure 5.1, a state shall be permitted to intervene in a case in which the constitutionality of any statute of that state affecting the public interest is drawn into question. The plaintiffs' challenge to the constitutionality of DeSoto County's current district boundary lines and Mississippi Code Annotated § 23-15-299(2) satisfies the type of lawsuit in which the State of Mississippi is permitted to intervene. Additionally, Mississippi Code Annotated § 7-5-1 provides that the Mississippi Attorney General is the chief legal officer and advisor for the State of Mississippi. As such, the Attorney General shall be allowed to intervene as a defendant in this action.

The Court finds the constitutionality of Mississippi Code Annotated § 23-15-299(2) is challenged in the current action making it necessary that Movants be permitted to intervene as of right under Federal Rule of Civil Procedure Procedure 24(a), pursuant to 5.1, 28 U.S.C. §2403(b).

Accordingly, the Motion to Intervene (# 4) is hereby GRANTED. The court hereby orders that the Attorney General for the State of Mississippi, *ex rel.* the State of Mississippi be allowed to intervene as Defendants in the present action.

SO ORDERED, this the 3rd day of March 2011.

/s/David A. Sanders
UNITED STATES MAGISTRATE JUDGE